

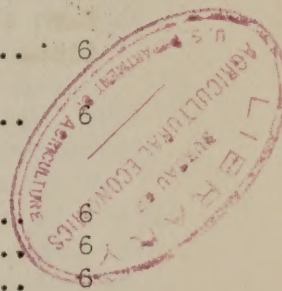
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1939 AGRICULTURAL CONSERVATION PROGRAM
BULLETIN-ALASKA

APR 12 1939

1.42
Im7
1939 Alaska

CONTENTS	Page
Sec. 1. Authority, availability of funds, and applicability.....	2
(a) Authority.....	2
(b) Availability of funds.....	2
(c) Applicability.....	2
Sec. 2. Soil-building practices.....	2
(a) Allowance in connection with soil-building practices.....	2
(b) Payment in connection with soil-building practices..	2
(c) Schedule of soil-building practices.....	3
Sec. 3. Division of payments.....	4
Sec. 4. Increase in small payments.....	5
Sec. 5. Payments limited to \$10,000.....	6
Sec. 6. General provisions relating to payments.....	6
(a) Payment restricted to effectuation of purposes of the program.....	6
(b) Payment computed and made without regard to claims..	6
(c) Assignments.....	6
Sec. 7. Application for payment.....	7
(a) Persons eligible to file applications.....	7
(b) Time and manner of filing application and information required.....	7
Sec. 8. Appeals.....	7
Sec. 9. Definitions.....	7



Section 1. Authority, availability of funds, and applicability.

(a) Authority. Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7(a) of said Act in 1939, payments and grants of aid will be made for participation in the 1939 Agricultural Conservation Program in Alaska (hereinafter referred to as the 1939 program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) Availability of funds. The provisions of the 1939 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of allowance, payment, and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) Applicability. The provisions of the 1939 program contained herein, except where the context otherwise indicates, are applicable only to the Territory of Alaska.

Sec. 2. Soil-building practices. (a) Allowance in connection with soil-building practices. The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in subsection (c) of this section. This allowance for any farm will be the sum of the following:

- (1) \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm; and
- (2) 40 cents per acre, not in excess of 1000 acres, and 10 cents per acre, in excess of 1000 acres, of pasture land included in the farm but not included in the cropland.

(b) Payment in connection with soil-building practices. Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with subsection (a) of this section, for carrying out in the calendar year 1939 any of the soil-building practices listed in subsection (c), at the rate of \$1.00 per unit of such practices, provided the practice is carried out by such methods and with such kinds of seeds, trees, and other materials as conform to good farming practice, and in accordance with the specifications listed herein and such additional specifications as may be issued by the regional director to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor and materials (other than trees) furnished entirely by any Federal or Territorial agency. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal or Territorial agency and such portion represents one-half or more of the total cost of carrying out such practice, no payment will be made with respect to such practice; if such portion represents less than one-half of the total cost of carrying out such practice, payment will be made with respect to one-half of such practice: Provided, That labor, seed, trees, and materials furnished to the Territory of Alaska, or a political subdivision or agency thereof, by an agency of the Territory shall not be deemed to have been furnished by "any . . . Territorial agency" within the meaning of this paragraph.

(c) Schedule of soil-building practices. The following practices in the amounts specified will be counted as the number of units specified for each:

(1) Planting land entirely to forest trees or windbreak trees. Each acre will be counted as five units.

(2) Planting forest trees on the sides or crests of gulches or on erosion scars. Each 50 trees will be counted as one unit.

(3) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion, not including more than 300 feet of terrace per acre and not including Mangum type terraces on land of 20 percent or more slope. Each 100 feet of terrace will be counted as one unit.

(4) Constructing permanent ditching, on land of 6 percent or more average slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 250 linear feet of ditching will be counted as one unit; when constructed on other land, each 500 linear feet of ditching will be counted as one unit.

(5) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 8 cubic yards of fill or construction will be counted as one unit.

(6) Constructing and maintaining check dams in gullies. Each 10 linear feet of dams constructed will be counted as one unit.

(7) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4000 square feet will be counted as one unit.

(8) Plowing(unless plowed in 1938 in preparation for planting in 1939), planting, and cultivating land of 2 percent or more slope along lines of less than 2 percent slope. In the case of land planted to truck crops, each acre will be counted as two units; in the case of land planted to other crops, each two acres will be counted as one unit.

(9) Listing land along contour lines for fallowing or for planting protective nondepleting cover crops. Each 2 acres will be counted as one unit.

(10) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing. Each acre will be counted as one unit.

(11) Interplanting protective nondepleting cover crops with other crops. Each acre will be counted as two units.

(12) Planting protective nondepleting cover crops in rotation with other crops. Each acre will be counted as three units.

(13) Plowing under crops for green manuring or planting perennial varieties of protective nondepleting cover crops on properly prepared land for permanent pasture or for cutting green for livestock feed. Each acre will be counted as four units.

(14) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each 5 pounds of seed sown will be counted as one unit.

(15) Applying ground limestone or its equivalent. Each ton will be counted as five units but credit will not be given for the application of more than 2 tons per acre.

(16) Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as one unit but credit will not be given for the application of more than 200 pounds per acre.

(17) Applying crop residue on the surface of soil subject to serious wind erosion to promote the establishment of a permanent vegetative cover. Each 10 cubic yards applied will be counted as one unit.

Sec. 3. Division of payments. The amount of payment earned in connection with soil-building practices carried out on the farm shall be made to the landlord, tenant, or sharecropper who carried out the soil-building practices thereon. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1939, such payment shall be divided in the proportion that the units contributed by each such person to such practices bear to the total units of such practices carried out on the farm in 1939. Each person contributing to the practice carried out on

a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the State office finds each such person contributed thereto.

Sec. 4. Increase in small payments. The total payment computed under sections 2 and 3 for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	(1)
31.00 to 31.99	10.20	200.00 and over	(2)

(1) Increase to \$200.00

(2) No increase.

Sec. 5. Payments limited to \$10,000. The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 6. General provisions relating to payments. (a) Payment restricted to effectuation of purposes of the program. All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (1) if he has adopted any practices which the Secretary determines tend to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (2), if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the regional director finds is contrary to sound conservation practices.

(b) Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection (c) of this section 6) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) Assignments. Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70-Insular) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 6 shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

Sec. 7. Application for payment. (a) Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of section 3, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1939 in carrying out approved soil-building practices.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the State office on or before March 31, 1940. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the State office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each local agricultural extension agent and making copies of the same available to the press.

Sec. 8. Appeals. Any person may, within 15 days after notice thereof is forwarded to or available to him, request the State office in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) the division of payment; or (c) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the State office, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State office.

Sec. 9. Definitions. For the purposes of the 1939 program, unless the context otherwise requires:

SECRETARY means the Secretary of Agriculture of the United States.

ADMINISTRATOR means the Administrator of the Agricultural Adjustment Administration.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the Insular Region.

INSULAR REGION means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

STATE OFFICE means the office of the Agricultural Adjustment Administration in Fairbanks, Territory of Alaska.

PERSON means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, territory, or possession, or a political subdivision or agency thereof.

LANDLORD OR OWNER means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all tracts of cropland, pasture land, and other farm land in Alaska, operated by one or more persons in 1939 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit.

CROPLAND means farm land which is tilled annually or in a regular rotation or is devoted to bearing or nonbearing orchards other than abandoned orchards.

ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, or bush fruits.

PASTURE LAND means farm land on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

PROTECTIVE NONDEPLETING COVER CROPS means any of the following: (1) all grasses, (2) field peas, cow peas, and soy beans, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza and lupines, and (4) any other crops specified by the Administrator.

Done at Washington, D. C.
this 4th day of April, 1939.
Witness my hand and the seal of the
Department of Agriculture.

[SEAL]

Stawalan

Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE
 AGRICULTURAL ADJUSTMENT ADMINISTRATION
 WASHINGTON, D. C.

1939 AGRICULTURAL CONSERVATION PROGRAM
 BULLETIN—HAWAII

LIBRARY
 RECEIVED
 APR 28 1939
 U. S. Department of Agriculture

CONTENTS

	Page		Page
Sec. 1. Authority, availability of funds, and applicability.....	1	Sec. 5. Increase in small payments.....	8
(a) Authority.....	1	Sec. 6. Payments limited to \$10,000.....	9
(b) Availability of funds.....	1	Sec. 7. Deductions incurred on other farms.....	10
(c) Applicability.....	2	Sec. 8. General provisions relating to payments.....	10
Sec. 2. Soil-building practices.....	2	(a) Payment restricted to effectuation of purposes of the program.....	10
(a) Allowance in connection with soil-building practices.....	2	(b) Payment computed and made without regard to claims.....	10
(b) Payment in connection with soil-building practices.....	2	(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.....	10
(c) Schedule of soil-building practices.....	2	(d) Assignments.....	11
Sec. 3. Rice.....	6	Sec. 9. Application for payment.....	11
(a) National goal.....	6	(a) Persons eligible to file applications.....	11
(b) State allotment.....	6	(b) Time and manner of filing applications and information required.....	11
(c) Farm allotment.....	6	(c) Applications for other farms.....	11
(d) Normal yield.....	7	(d) Applications for plantation farms.....	11
(e) Payment in connection with rice acreage allotment.....	7	Sec. 10. Appeals.....	12
(f) Deduction for excess rice acreage.....	7	Sec. 11. Definitions.....	12
Sec. 4. Division of payments and deductions.....	7		
(a) Payments in connection with soil-building practices.....	7		
(b) Payments and deductions in connection with rice acreage allotments.....	8		
(c) Proration of net deductions.....	8		

Section 1.—AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) **Authority.**—Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1939, payments and grants of aid will be made for participation in the 1939 Agricultural Conservation Program in Hawaii (hereinafter referred to as the 1939 program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) **Availability of funds.**—The provisions of the 1939 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of allowance, payment, and deduction with respect

to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) **Applicability.**—The provisions of the 1939 program contained herein, except where the context otherwise indicates, are applicable only to the Territory of Hawaii.

Sec. 2.—SOIL-BUILDING PRACTICES

(a) **Allowance in connection with soil-building practices.**—The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in subsection (c) of this section. This allowance for any farm will be the sum of the following:

(1) \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the sum of the largest acreage devoted to sugarcane at any one time in 1939 and the rice acreage allotment established for the farm; and

(2) 40 cents per acre, not in excess of 1,000 acres, and 10 cents per acre, in excess of 1,000 acres, of range land (for which the Territory tax-assessment valuation is 50 cents or more per acre) included in the farm but not included in the cropland.

(b) **Payment in connection with soil-building practices.**—Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with subsection (a) of this section, for carrying out in the calendar year 1939 any of the soil-building practices listed in subsection (c), at the rate of \$1.00 per unit of such practices, provided the practice is carried out by such methods and with such kinds of seeds, trees, and other materials as conform to good farming practice, and in accordance with the specifications listed herein and such additional specifications as may be issued by the regional director to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor and materials (other than trees) furnished entirely by any Federal or Territorial agency. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal or Territorial agency and such portion represents one-half or more of the total cost of carrying out such practice, no payment will be made with respect to such practice; if such portion represents less than one-half of the total cost of carrying out such practice, payment will be made with respect to one-half of such practice; *Provided*, That labor, seed, trees, and materials furnished to the Territory of Hawaii, or a political subdivision or agency thereof, by an agency of the Territory shall not be deemed to have been furnished by "any . . . Territorial agency" within the meaning of this paragraph.

(c) **Schedule of soil-building practices.**—The following practices in the amounts specified will be counted as the number of units specified for each:

(1) Planting land entirely to forest trees or windbreak trees. Each acre will be counted as five units.

(2) Planting forest trees on the sides or crests of gulches or on erosion scars. Each 50 trees will be counted as one unit.

(3) Planting shade trees in established coffee groves by planting seedling trees. Each 10 trees will be counted as one unit.

(4) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion, not including more than 300 feet of terrace per acre and not including Mangum type terraces on land of 20 percent or more slope. Each 100 feet of terrace will be counted as one unit.

(5) Constructing, and maintaining during 1939, individual terraces or catch pits around coffee trees. Each 50 terraces or catch pits constructed will be counted as one unit.

(6) Constructing permanent ditching, on land of 6 percent or more average slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 8 cubic yards of excavation will be counted as one unit; when constructed on other land, each 500 linear feet of ditching will be counted as one unit.

(7) Constructing temporary ditching on fields of 6 percent or more average slope, with suitable outlets and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 25 cubic yards of excavation will be counted as one unit; when constructed on other land, each 1,500 linear feet of ditching will be counted as one unit.

(8) Lining ditches carrying water on a grade of 2 percent or more, including ditches constructed in accordance with the specifications of practice (6). Credit of one unit will be given for each 12 square feet of ditch surface lined with concrete or stone set in mortar, for each 24 square feet of ditch surface lined with plaster, and for each 24 square feet of the inside surface of concrete, iron, or composition pipe used.

(9) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 8 cubic yards of fill or construction will be counted as one unit.

(10) Constructing and maintaining check dams in gullies. Each 10 linear feet of dams constructed will be counted as one unit.

(11) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4,000 square feet will be counted as one unit.

(12) Plowing (unless plowed in 1938 in preparation for planting in 1939), planting, and cultivating land of 2 percent or more slope along contour lines of less than 2 percent slope. In the case of land planted to truck crops, each acre will be counted as two units; in the case of land planted to other crops, each two acres will be counted as one unit.

(13) Ridging land, with furrows not more than 40 feet apart and not less than 8 inches vertically between the tops and bottoms thereof, along contour lines or, in areas subject to wind erosion, at approximately right angles to the direction of prevailing winds: *Provided*, That if the land is of 6 percent or more average slope, it is protected from erosion by adequate ditching. Each 4 acres will be counted as one unit for each such ridging operation performed thereon.

(14) Furrowing range land along contour lines with furrows not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and with intervals between furrows not more than 25 feet. Each 2 acres will be counted as one unit.

(15) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing. Each acre will be counted as one unit.

(16) Interplanting protective nondepleting cover crops with other crops. Each acre will be counted as two units.

(17) Planting protective nondepleting cover crops in rotation with other crops. Each acre will be counted as three units.

(18) Using protective nondepleting cover crops for green manuring or planting perennial varieties of such crops on properly prepared land for permanent pasture or for cutting green for livestock feed. Each acre will be counted as four units.

(19) Seeding depleted range land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each 5 pounds of seed sown will be counted as one unit.

(20) Planting slips or stools of adapted varieties of perennial grasses on depleted range land. Each acre will be counted as two units.

(21) Applying ground limestone or its equivalent. Each ton will be counted as five units but credit will not be given for the application of more than 2 tons per acre.

(22) Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective non-depleting cover crops. Each 100 pounds will be counted as one unit but credit will not be given for the application of more than 200 pounds per acre.

(23) Applying coffee pulp around coffee trees to which coffee pulp was not applied in 1938. Each ton of pulp (unfermented weight) will be counted as one unit but credit will not be given for the application of more than 5 tons per acre.

(24) Incorporating in the soil the entire residue of a pineapple crop. Each acre will be counted as two units.

(25) Applying crop residue on the surface of soil subject to serious wind erosion to promote the establishment of a permanent vegetative cover. Each 10 cubic yards applied will be counted as one unit.

(26) Eradicating serious infestations of aalii (*Dodonaea viscosa*), barbwire grass (*Cymbopogon refractus*), firebush (*Myrica americana*), guava (*Psidium guajava*), Hawaiian holly (*Schinus tetrabentifolius*), joe (*Stachytarpheta dichotoma*), Verbena bonariensis, lantana (*Lantana camara*), melastoma (*Melastoma decemfidum*), Opiume

(*Pithecellobium dulce*), pamakani (*Eupatorium adenophorum*), pukiawe (*Styphelia tameiameia*), or sour grass (*Tricachne insularis*) on range land. Each acre will be counted as two units.

(27) Removing all livestock from range land which was pastured in 1938 (including range land which was withheld from use in 1938 for the purpose of eradicating range-destroying plants), for a continuous period of more than four months between January 1, 1939, and December 31, 1939: *Provided*, (1) Such practice shall not be applicable to more than 25 percent of the range land included in the farm; (2) On lands on which cattle or horses are grazed, the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On lands used exclusively for grazing sheep, either the area to be kept free of grazing is fenced and the fence maintained sufficiently to prevent the entry of livestock or the entry of livestock is prevented by herding; (4) The remaining range land in the farm is not pastured to such extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) Such practice shall not be applicable to land which normally is not used for grazing during the period in which livestock are excluded; and (6) The operator has submitted to the State office in writing the designation of the non-grazing area of the farm prior to the carrying-out of such practice. Each acre will be counted as one-tenth of one unit for each month, in excess of four, during which livestock are removed.

Developing stock water on range land.—Payment will be made with respect to the following water development practices (numbered 28, 29, 30, and 31): *Provided*, (1) Carrying out the practice results in supplying ample water, at points remote from the ranch headquarters, for the number of livestock using the adjoining range during the grazing season; (2) The purpose of the development is solely to bring about such a distribution of stock on the range as will conserve and restore the vegetative cover thereof; (3) No part of the water impounded or supplied is used for irrigating purposes; (4) The operator has submitted to the State office in writing a designation of the point at which the practice is to be carried out and the nature thereof; and (5) The carrying-out of the practice has been approved by the State office prior to the carrying-out of such practice.

(28) Drilling or digging wells, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. The drilling of an artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Each linear foot of the well will be counted as one unit.

(29) Developing springs or seeps, provided the source is protected from trampling, and the water is conveyed to a tank or storage reservoir. Credit of one unit will be given for each 3 cubic feet of excavation in soil or gravel and for each 2 cubic feet of excavation in rock.

(30) Constructing permanent watersheds of galvanized iron or other approved material for accumulating rainwater for range livestock, provided other methods of furnishing or accumulating water are not available and the water is conveyed to a tank or storage reservoir. Each 40 square feet of shed constructed will be counted as one unit.

(31) Constructing water storage tanks of redwood, steel, or other approved material on adequate foundations. Each 200 gallons of capacity of the tank will be counted as one unit.

(32) Completing field experiments. No payment.

For plantation farms on which field experiments established under the 1936, 1937, or 1938 Agricultural Conservation Programs are not completed during the calendar year 1939: The proper control and continuation of such experiments during the calendar year 1939.

For plantation farms on which field experiments established under the 1936, 1937, or 1938 Agricultural Conservation Programs are completed in 1939: The proper control of such experiments to the time of harvest and a report, prior to March 1, 1940, to the State office including:

A brief history of each experiment with a summary showing the kind and variety of crop used, the dates of planting and harvesting, the location, type of soil, size of plots, number of replications, quantities and formulas of fertilizer used, whether irrigated or not, and data concerning the presence of disease or pests.

A tabulation of data showing the weight and quality of the produce of each plot and, in the case of sugarcane, an analysis of the cane juice from each plot showing brix, purity, sucrose, and yield of sugar.

A statement of any significant relationships which may appear between the applications of various quantities or kinds of fertilizer and the chemical and textural composition of the soils on which the experiments were carried out.

A statistical analysis of the yield data for each experiment indicating whether the yield differences observed have any statistical significance, and a statement of general conclusions which may be drawn from the data obtained, in the light of this analysis.

Sec. 3.—RICE

(a) **National goal.**—The national goal for rice in connection with the 1939 program shall be 850,000 to 880,000 acres.

(b) **State allotment.**—The State allotment of rice for Hawaii is 924 acres.

(c) **Farm allotment.**—The State office shall establish rice acreage allotments in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Administration.

(1) A rice acreage allotment shall be determined for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the five years, 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State rice acreage allotment shall be apportioned among producers who are participating in the production of rice for the first time in 1939 since 1933 on the basis of the applicable standards of apportionment set forth in this subsection (c): *Except* that the rice acreage allotment to any farm operated by any person(s) who is participating in the production of

rice for the first time in 1939 since 1933 shall not exceed 75 percent of the rice acreage allotment that would have been made to the farm had such person(s) participated in the production of rice in one or more of the five years 1934 to 1938, inclusive.

(3) The sum of the farm allotments shall not exceed the State allotment.

(d) **Normal yield.**—The State office shall determine for each farm for which a rice acreage allotment is established or a deduction is computed a normal yield for such crop in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Administration.

(1) Where reliable records of the actual average yield of rice per acre for the five years 1934 to 1938, inclusive, are presented by the farmer or are available to the State office, the normal yield of rice for the farm shall be the average of such yields.

(2) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the State office shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subdivision (1) of this subsection (d).

(3) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the five years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under subdivisions (1) and (2) of this subsection (d) shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

(e) **Payment in connection with rice acreage allotment.**—Payment will be made with respect to any farm at the rate of 10 cents per 100 pounds (rough rice) of the normal yield per acre of rice for the farm for each acre in the rice acreage allotment.

(f) **Deduction for excess rice acreage.**—The payment computed for any farm under sections 2 and 3 shall be subject to a deduction of 80 cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of the rice acreage allotment established for the farm.

Sec. 4.—DIVISION OF PAYMENTS AND DEDUCTIONS

(a) **Payments in connection with soil-building practices.**—The amount of payment earned in connection with soil-building practices carried out on the farm shall be made to the landlord, tenant, or share-cropper who carried out the soil-building practices thereon. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1939, such payment shall be divided in the proportion that the units contributed by each such person to such practices bear to the total units of such practices carried out on the farm in 1939. All persons contributing to the practice carried out

on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the State office finds each such person contributed thereto.

(b) **Payments and deductions in connection with rice acreage allotments.**—The net payment or net deduction computed for any farm with respect to rice shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are entitled at the time of harvest to share in the proceeds (other than a fixed commodity payment) of the rice crop grown on the farm in 1939: *Provided*, That if because of crop failure the harvested acreage of rice is less than the planted acreage of such crop and the State office finds, in accordance with instructions issued by the Agricultural Adjustment Administration, that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that such persons would have shared in the proceeds of the rice crop if the entire acreage planted to such crop in 1939 had been harvested: *Provided further*, That if rice is not grown on the farm in 1939, the net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that such persons would have shared in the proceeds of the rice crop if the entire acreage in the rice acreage allotment had been planted and harvested in 1939.

(c) **Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

Sec. 5.—INCREASE IN SMALL PAYMENTS

The total payment computed under sections 2 to 4, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(¹)
\$31.00 to \$31.99	10.20	\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

Sec. 6.—PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 7.—DEDUCTIONS INCURRED ON OTHER FARMS

If the deduction computed under section 3 with respect to any farm exceeds the payments computed under sections 2 and 3 with respect to such farm, a landlord's or tenant's share of the amount by which such deduction exceeds such payment shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in Hawaii.

Sec. 8.—GENERAL PROVISIONS RELATING TO PAYMENTS

(a) **Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (1) if he has adopted any practices which the Secretary determines tend to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the regional director finds is contrary to sound conservation practices.

(b) **Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection (d) of this section 8) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) **Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to the landlord for performance on the farm under the 1938 program, payments to the landlord under the 1939 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1938 had been continued in 1939, if the State office certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the State office certifies that the reduction is not justified and disapproves such reduction.

If the State office finds that any person who files an application for payment pursuant to the provisions of the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would

normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1939 program.

(d) **Assignments.**—Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70-Insular) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 8 shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

Sec. 9.—APPLICATION FOR PAYMENT

(a) **Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section 4, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1939 in carrying out approved soil-building practices.

(b) **Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the State office on or before March 31, 1940. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the State office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county agricultural extension agent and making copies of the same available to the press.

(c) **Applications for other farms.**—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in Hawaii and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons and on which rice is planted in 1939.

(d) **Applications for plantation farms.**—No payment will be made under this program with respect to an application pertaining to any plantation farm except on the condition that practice 32 of section 2 (c) be performed in 1939 in the manner applicable to such farm.

Sec. 10.—APPEALS

Any person may, within 15 days after notice thereof is forwarded to or available to him request the State office in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) rice acreage allotment or normal yield; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the State office, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State office.

Sec. 11.—DEFINITIONS

For the purposes of the 1939 program, unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

Administrator means the Administrator of the Agricultural Adjustment Administration.

Regional director means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the Insular Region.

Insular region means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

State office means the office of the Agricultural Adjustment Administration in Honolulu, Territory of Hawaii.

Person means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, Territory, or possession, or a political subdivision or agency thereof.

Landlord or owner means a person who owns land and rents such land to another person or operates such land.

Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

Tenant means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

Farm means all tracts of cropland, range land, and other farm land in Hawaii, operated by one or more persons in 1939 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for such farm and on which any applicable soil-building practice is performed.

Plantation farm means any farm comprising more than 500 acres of cropland, not devoted to permanent pasture or to orchards or trees of any kind.

Cropland means farm land which is tilled annually or in a regular rotation or is devoted to bearing or nonbearing orchards other than abandoned orchards.

Orchards means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, or vineyards.

Range land means any land which produces forage grazed by range livestock without cultivation or general irrigation.

Protective nondepleting cover crops means any of the following: (1) all grasses, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweetpotatoes not grown for commercial purposes, and crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, lupines, and Koa Haole (*Lucaena Glauca*), and (4) any other crops specified by the Administrator.

Done at Washington, D. C., this 4th day of April 1939.¹ Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

¹ This is the original date of issue of this bulletin, but Supplement 1, subsequently issued, is included herein.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

LIBRARY

1939 AGRICULTURAL CONSERVATION PROGRAM
BULLETIN—PUERTO RICO

U. S. Department of Agriculture

CONTENTS

	Page		Page
Sec. 1. Authority, availability of funds, and applicability.....	1	Sec. 5. Increase in small payments.....	7
(a) Authority.....	1	Sec. 6. Payments limited to \$10,000.....	8
(b) Availability of funds.....	1	Sec. 7. Deductions incurred on other farms....	8
(c) Applicability.....	2	Sec. 8. General provisions relating to payments..	8
Sec. 2. Soil-building practices.....	2	(a) Payment restricted to effectuation of purposes of program.....	8
(a) Allowance in connection with soil-building practices.....	2	(b) Payment computed and made without regard to claims.....	8
(b) Payment in connection with soil-building practices.....	2	(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.....	8
(c) Schedule of soil-building practices.....	2	(d) Assignments.....	9
Sec. 3. Tobacco.....	5	Sec. 9. Application for payment.....	9
(a) State allotment.....	5	(a) Persons eligible to file applications....	9
(b) Farm allotment.....	5	(b) Time and manner of filing application and information required.....	9
(c) Payment in connection with tobacco acreage allotment.....	6	(c) Applications for other farms.....	10
(d) Deduction for excess tobacco acreage..	6	(d) Applications for plantation farms....	10
Sec. 4. Division of payments.....	6	(e) Land area.....	10
(a) Payments in connection with soil-building practices.....	6	Sec. 10. Appeals.....	10
(b) Payments and deductions in connection with tobacco acreage allotments..	6	Sec. 11. Definitions.....	10
(c) Proration of net deductions.....	7		

Sec. 1.—AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) **Authority.**—Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7(a) of said Act in 1939, payments and grants of aid will be made for participation in the 1939 Agricultural Conservation Program in Puerto Rico (hereinafter referred to as the 1939 program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) **Availability of funds.**—The provisions of the 1939 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of allowance, payment, and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) **Applicability.**—The provisions of the 1939 program contained herein, except where the context otherwise indicates, are applicable only to Puerto Rico.

Sec. 2.—SOIL-BUILDING PRACTICES

(a) **Allowance in connection with soil-building practices.**—The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in subsection (c) of this section. This allowance for any farm will be the sum of the following:

(1) \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the sum of the largest acreage devoted to sugarcane at any one time in 1939 and the tobacco acreage allotment established for the farm; and

(2) 40 cents per acre, not in excess of 1000 acres, and 10 cents per acre, in excess of 1000 acres, of pasture land included in the farm but not included in the cropland.

(b) **Payment in connection with soil-building practices.**—Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with subsection (a) of this section, for carrying out in the calendar year 1939 any of the soil-building practices listed in subsection (c), at the rate of \$1.00 per unit of such practices, provided the practice is carried out by such methods and with such kinds of seeds, trees, and other materials as conform to good farming practice, and in accordance with the specifications listed herein and such additional specifications as may be issued by the regional director to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor and materials (other than trees) furnished entirely by any Federal agency or any agency of Puerto Rico. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal agency or any agency of Puerto Rico and such portion represents one-half or more of the total cost of carrying out such practice, no payment will be made with respect to such practice; if such portion represents less than one-half of the total cost of carrying out such practice, payment will be made with respect to one-half of such practice: *Provided*, That labor, seed, trees, and materials furnished to Puerto Rico, or a political subdivision or agency thereof, by an agency of Puerto Rico shall not be deemed to have been furnished by "any agency of Puerto Rico" within the meaning of this paragraph.

(c) **Schedule of soil-building practices.**—The following practices in the amounts specified will be counted as the number of units specified for each:

(1) Planting land entirely to forest trees or windbreak trees. Each acre will be counted as five units.

(2) Planting shade trees in established coffee groves by planting seedling trees. Each 50 trees will be counted as one unit.

(3) Cultivating, protecting, improving, and maintaining a good stand of shade trees planted in coffee groves prior to 1939. Each acre will be counted as one unit.

(4) Planting land to a normal number of *Erythrina* for use as support and shade for vanilla, by planting cuttings on suitably prepared land. Each acre will be counted as five units.

(5) Planting shade trees on pasture land, by planting seedling trees of suitable varieties, adequately protected from destruction by grazing animals. Each 50 trees will be counted as one unit.

(6) Planting stiff-stemmed upright grasses such as elephant grass, mocker grass or guatemala grass in rows along contour lines with a grade of not more than 2 percent on land with 10 percent or more slope, with a vertical distance between rows of not more than 6 feet with free outlets for surplus water. Each acre will be counted as two units.

(7) Constructing, and maintaining throughout 1939, individual terraces or catch pits around coffee trees. Each 200 terraces or catch pits constructed and maintained will be counted as one unit.

(8) Maintaining throughout 1939 individual terraces or catch pits constructed around coffee trees prior to 1939. Each 500 terraces or catch pits maintained will be counted as one unit.

(9) Constructing, and maintaining throughout 1939, individual catch pits, in connection with the planting of any crop other than coffee, on land of more than 15 percent slope. Each 500 catch pits constructed and maintained will be counted as one unit, but credit will not be given for more than three units per acre.

(10) Maintaining throughout 1939 individual catch pits constructed prior to 1939 in connection with the planting of any crop other than coffee, on land of more than 15 percent slope. Each 750 catch pits maintained will be counted as one unit, but credit will not be given for more than two units per acre.

(11) Constructing permanent ditching, on land of 6 percent or more slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 250 linear feet of ditching will be counted as one unit; when constructed on other land, each 500 linear feet of ditching will be counted as one unit.

(12) Constructing temporary field ditching on land of 6 percent or more slope, with suitable outlets and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 750 linear feet of ditching will be counted as one unit; when constructed on other land, each 1500 linear feet of ditching will be counted as one unit.

(13) Lining with sod permanent ditches constructed on land of 6 percent or more slope, with suitable outlets, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose

other than the prevention of soil washing. Each 200 square feet of ditch surface lined will be counted as one unit.

(14) Lining ditches carrying water on a grade of 2 percent or more slope, including ditches constructed in accordance with the provisions of practice (11). Credit of one unit will be given for each 12 square feet of ditch surface lined with concrete or stone set in mortar, for each 24 square feet of ditch surface lined with plaster, and for each 24 square feet of the inside surface of concrete, iron, or composition pipe used.

(15) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 8 cubic yards of fill or construction will be counted as one unit.

(16) Constructing and maintaining check dams in gullies. Each 10 linear feet of dams constructed will be counted as one unit.

(17) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4000 square feet will be counted as one unit.

(18) Plowing (unless plowed in 1938 in preparation for planting in 1939), planting, and cultivating land of 2 percent or more slope along contour lines of less than 2 percent slope. Each two acres will be counted as one unit.

(19) Furrowing fallow land or noncrop pasture land of 10 percent or more slope along contour lines with furrows not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and with intervals between furrows not more than 15 feet. Each acre will be counted as one unit.

(20) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing. Each acre will be counted as one unit.

(21) Interplanting protective nondepleting cover crops with other crops. Each acre will be counted as two units.

(22) Planting protective nondepleting cover crops in rotation with other crops. Each acre will be counted as three units.

(23) Using protective nondepleting cover crops for green manuring or planting perennial varieties of such crops on properly prepared land for permanent pasture or for cutting green for livestock feed. Each acre will be counted as four units.

(24) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each acre seeded will be counted as two units.

(25) Applying ground limestone or its equivalent. Each ton will be counted as three units, but credit will not be given for the application of more than two tons per acre.

(26) Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as one unit, but credit will not be given for the application of more than 200 pounds per acre.

(27) Applying coffee pulp around coffee trees, to which coffee pulp was not applied in 1938, and to all the trees on the acreage on which the practice is carried out at the rate of not less than an average of 3 pounds (fermented weight) per tree. Each acre so treated will be counted as two units. Fresh pulp applied shall be converted to its

fermented-weight equivalent on the basis of: 2 pounds of fresh pulp equal 1 pound of fermented pulp.

(28) Incorporating in the soil the entire residue of a pineapple crop. Each acre will be counted as two units.

(29) Eradicating serious infestations of Santa Maria (*Lantana Involucrata*), Zarsa (*Acacia Riparia*), Tunas (*Opuntia* species, *Cactus* species, and other species of the family *Cactaceae*), Alabaca (*Ocimum Mieranthum*, *Ocimum Basilicum*), Margarita (*Bidens Pileasa*), and Cadillo (*Triumfetta* species), on noncrop pasture land. Each acre will be counted as two units.

(30) Completing field experiments. No payment.

For plantation farms on which field experiments established under the 1936, 1937, or 1938 Agricultural Conservation Programs are not completed during the calendar year 1939: The proper control and continuation of such experiments during the calendar year 1939.

For plantation farms on which field experiments established under the 1936, 1937, or 1938 Agricultural Conservation Programs are completed in 1939: The proper control of such experiments to the time of harvest and a report, prior to March 1, 1940, to the State office including:

A brief history of each experiment with a summary showing the kind and variety of crop used, the dates of planting and harvesting, the location, type of soil, size of plots, number of replications, quantities and formulas of fertilizer used, whether irrigated or not, and data concerning the presence of disease or pests.

A tabulation of data showing the weight and quality of the produce of each plot and, in the case of sugarcane, an analysis of the cane juice from each plot showing brix, purity, sucrose, and yield of sugar.

A statement of any significant relationships which may appear between the application of various quantities or kinds of fertilizer and the chemical and textural composition of the soils on which the experiments were carried out.

A statistical analysis of the yield data for each experiment indicating whether the yield differences observed have any statistical significance, and a statement of general conclusions which may be drawn from the data obtained, in the light of this analysis.

Sec. 3.—TOBACCO

(a) **State allotment.**—The State allotment of tobacco for Puerto Rico will be established by the Secretary.

(b) **Farm allotment.**—The State office shall establish tobacco acreage allotments in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Administration.

(1) A tobacco acreage allotment shall be determined for each farm for which a tobacco acreage allotment was, or could have been, established under the 1938 Agricultural Conservation Program on the basis of the tobacco acreage allotment established for the farm under the 1938 Agricultural Conservation Program, the land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(2) Not more than 1 percent of the State acreage allotment of tobacco for Puerto Rico shall be apportioned to farms for which a tobacco acreage allotment could not have been established under the

1938 Agricultural Conservation Program, on the basis of the acreage, if any, planted to tobacco on the farm in the 1938-39 tobacco season, the land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(3) The sum of the farm acreage allotments shall not exceed the State allotment.

(c) **Payment in connection with tobacco acreage allotment.**—Payment will be made with respect to any farm for each acre in the tobacco acreage allotment established for the farm. The rate of such payment will be established by the Secretary prior to the beginning of the 1939-40 tobacco season.

(d) **Deduction for excess tobacco acreage.**—The payment computed for any farm under sections 2 and 3 shall be subject to a deduction for each acre planted to tobacco on the farm in excess of the tobacco acreage allotment established for the farm. The rate of such deduction will be established by the Secretary prior to the beginning of the 1939-40 tobacco season.

Sec. 4.—DIVISION OF PAYMENTS

(a) **Payments in connection with soil-building practices.**—The amount of payment earned in connection with soil-building practices carried out on any farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1939, such payment shall be divided in the proportion that the units contributed by each such person to such practices bear to the total units of such practices carried out on the farm in 1939. All persons contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the State office finds each such person contributed thereto.

(b) **Payments and deductions in connection with tobacco acreage allotments.**—The net payment or net deduction computed for any farm with respect to the tobacco acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares, expressed in terms of either acreages or percentages) that such persons are entitled at the time of harvest to share in the proceeds (other than a fixed commodity payment) of the tobacco crop grown on the farm in the 1939-40 tobacco season: *Provided*, That if because of crop failure the harvested acreage of tobacco is less than the planted acreage of such crop and the State office finds, in accordance with instructions issued by the Agricultural Adjustment Administration, that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that such persons would have shared in the proceeds of the tobacco crop if the entire acreage planted to such crop in the 1939-40 tobacco season had been harvested: *Provided further*, That if tobacco is not grown on the farm in the 1939-40 tobacco season, the net payment or net deduction shall

be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that such persons would have shared in the proceeds of the tobacco crop if the entire acreage in the tobacco acreage allotment had been planted and harvested in the 1939-40 tobacco season.

(c) **Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

Sec. 5.—INCREASE IN SMALL PAYMENTS

The total payment computed under sections 2 to 4, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	0. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

Sec. 6.—PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 7.—DEDUCTIONS INCURRED ON OTHER FARMS

If the deduction computed under section 3 with respect to any farm exceeds the payments computed under sections 2 and 3 with respect to such farm, a landlord's or tenant's share of the amount by which such deduction exceeds such payment shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in Puerto Rico.

Sec. 8.—GENERAL PROVISIONS RELATING TO PAYMENTS

(a) **Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (1) if he has adopted any practices which the Secretary determines tend to defeat any of the purposes of the 1939 or previous agricultural conservation programs; (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (3) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the regional director finds is contrary to sound conservation practices.

(b) **Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection (d) of this section 8) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) **Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made

to the landlord under the 1939 program than would have been made to the landlord for performance on the farm under the 1938 program, payments to the landlord under the 1939 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1938 had been continued in 1939, if the State office certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the State office certifies that the reduction is not justified and disapproves such reduction.

If the State office finds that any person who files an application for payment pursuant to the provisions of the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation programs to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1939 program.

(d) **Assignments.**—Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70-Insular) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 8 shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

Sec. 9.—APPLICATION FOR PAYMENT

(a) **Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section 4, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1939 in carrying out approved soil-building practices.

(b) **Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the State office on or before March 31, 1940. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept

any application for payment if any other form or information required is not submitted to the State office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each local agricultural extension agent and making copies of the same available to the press.

(c) **Applications for other farms.**—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, on more than one farm in Puerto Rico and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons and on which tobacco is planted in the 1939-40 tobacco season.

(d) **Applications for plantation farms.**—No payment will be made under this program with respect to an application pertaining to any plantation farm except on the condition that practice (30) of section 2 (c) be performed in 1939 in the manner applicable to such farm.

(e) **Land area.**—All calculations involving land area will be made on the basis that one cuerda equals 0.97 acre.

Sec. 10.—APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) tobacco acreage allotment; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the State office, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State office.

Sec. 11.—DEFINITIONS

For purposes of the 1939 program, unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

Administrator means the Administrator of the Agricultural Adjustment Administration.

Regional director means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the Insular Region.

Insular region means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

State office means the office of the Agricultural Adjustment Administration in San Juan, Puerto Rico.

Person means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, territory, or possession, or a political subdivision or agency thereof.

Landlord or owner means a person who owns land and rents such land to another person or who operates such land.

Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

Tenant means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

Farm means all tracts of cropland, pasture land, and other farm land in Puerto Rico, operated by one or more persons in 1939 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for such farm and on which any applicable soil-building practice is performed.

Plantation farm means any farm comprising more than 500 acres of cropland, not devoted to permanent pasture or to orchards or trees of any kind.

Cropland means farm land which is tilled annually or in a regular rotation or is devoted to bearing or non-bearing orchards other than abandoned orchards.

Orchards means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, or vineyards.

Pasture land means farm land on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

Tobacco season means the period beginning on September 1 of one calendar year and ending on March 31 of the succeeding calendar year.

Protective nondepleting cover crops means any of the following: (1) all grasses, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweetpotatoes not grown for commercial purposes, and crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, and lupines, and (4) any other crops specified by the Administrator.

Done at Washington, D. C., this 4th day of April 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

